

Serial No. 10/803,748
Attorney Docket No. 100041-41199
Response to Final

REMARKS

Claims 1-29 remain pending in this application. All pending claims have been rejected.

Rejections Under 35 U.S.C. § 102(b)

Claims 1-3, 5, 7, 11-13, 17-23 and 25-29 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,765,875 to Rowley. The rejections are respectfully traversed.

The Rowley reference discloses a child identification system including a plurality of sheets 34 bound together in a notebook, wherein each sheet 34 includes a number of pockets 46 for receiving identification tags 56. However, the Rowley reference does not teach a supply sheet having at least one index card formed therein and detachable therefrom as required by each of the pending claims of the present application.

Thus, the Rowley reference does not teach each and every limitation of the pending claims.

The Examiner cites to Fig. 11 of the Rowley reference to support the position that the Rowley reference teaches a supply sheet having at least one index card formed therein and detachable therefrom. Office action, p. 5, ll. 18-21. Specifically, the Examiner argues that sleeve 83 in Fig. 11 includes a tag 82 "formed therein" that "can be filed (via the hole) and serve as a storage medium." Office action, p. 6, ll. 1-2.

The Examiner apparently misunderstands the teachings of the Rowley reference and mistakenly refers to the "carrier sleeve 83" as "sheet 83." Furthermore, contrary to the Examiner's assertion that the tag 82 is "formed" in the sleeve 83, the specification of the Rowley reference clearly states that the tag 82 may be "retained" within the sleeve 83 (i.e., the sleeve 83 serves as a pocket). The Rowley reference, col. 8, ll. 5-10. Hence the use of the word "sleeve."

Applicant also notes that on page 3 of the Office action the Examiner has conceded that the Rowley reference does not teach a supply sheet having at least one index card formed therein and detachable therefrom.

Serial No. 10/803,748
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Accordingly, inasmuch as the Rowley reference fails to teach a supply sheet having at least one index card formed therein and detachable therefrom, it is submitted that the Rowley reference cannot, as a matter of law, anticipate the pending claims of the present application.

Rejections Under 35 U.S.C. § 103(a)

Claims 1-7 and 11-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Rowley reference in view of U.S. Patent No. 6,116,650 to Nijboer et al. The rejections are respectfully traversed.

As set forth in Section 2142 of the MPEP, rejections under 35 U.S.C. § 103(a) require the Examiner to establish a *prima facie* case of obviousness. The basic requirements of a *prima facie* case of obviousness are (1) a suggestion or motivation to modify or combine references, (2) a reasonable expectation of success and (3) a teaching or suggestion of all claim limitations in the combined references. MPEP § 2143.

Applicants submit that the Office action does not establish a *prima facie* case of obviousness and, therefore, respectfully request withdrawal of the rejections under § 103(a). Specifically, Applicants submit that the Office action has not identified any suggestion or motivation in the prior art for combining the Nijboer et al. reference with the Rowley reference and therefore cannot, as a matter of law, establish a *prima facie* case of obviousness.

The Examiner's rejections under § 103(a) are based upon the combination of a reference directed to a message pad (i.e., the Nijboer et al. reference) with a reference directed to a child identification system (i.e., the Rowley et al. reference). However, the Examiner has not provided any reason or cited to any reference that would motivate one skilled in the art to make such an obscure and non-analogous combination. Furthermore, Applicants submit that one skilled in the art of message pads would not look to a reference directed to a child identification system, nor would one skilled in the art of child identification systems look to a reference directed to a message pad.

Accordingly, Applicants submit that the Examiner's combination of non-analogous art does not render obvious the pending claims of the present application.

Serial No. 10/803,748
Attorney Docket No. 100041-41199
Response to Final

Applicants also submit that whether or not the Rowley reference can be combined with the Nijboer et al. reference is not sufficient to establish a *prima facie* case of obviousness absent some suggestion or motivation in the prior art to make the combination. *See* MPEP § 2143.01. As discussed above, no such suggestion or motivation has been proffered and, therefore, the Office action fails to establish a *prima facie* case of obviousness.

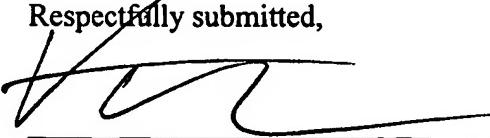
Accordingly, Applicants respectfully request withdrawal of the rejections of claims 1-7 and 11-29 under § 103(a)..

Claims 8-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Rowley reference in view of the Nijboer et al. reference and further in view of U.S. Patent No. 3,720,304 to Laugherty et al. For the reasons expressed above, the rejections of claim 8-10 are respectfully traversed.

Accordingly, it is submitted that the application is in condition for allowance and formal notice thereof is respectfully requested.

Applicants hereby authorize the Commissioner under 37 C.F.R. § 1.136(a)(3) to treat any paper that is filed in this application, which requires an extension of time, as incorporating a request for such an extension. The Commissioner is authorized to charge any additional fees required by this paper or to credit any overpayment to Deposit Account No. 20-0809.

Respectfully submitted,



Victor J. Wasylyna
Reg. No. 52,345

THOMPSON HINE LLP
P.O. Box 8801
Dayton, OH 45401-8801
Telephone: (937) 443-6812
E-mail: IPGroup@thompsonhine.com

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